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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,699	05/16/2005	Philippe Cateau	047578/286155	8621
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ALSTON & BIRD LLP				
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CHARLOTTE, NC 28280-4000				
EXAMINER				
MAI, THIEN T				
ART UNIT		PAPER NUMBER		
2887				
MAIL DATE		DELIVERY MODE		
04/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/517,699

Applicant(s)

CATTEAU ET AL.

Examiner

Thien T. Mai

Art Unit

2887

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 18-21, 24-30 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 18-21, 24-30 and 34-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Acknowledgement

Acknowledgement is hereby made of the amendment and IDS filed 12/21/2007

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/21/2007 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim(s) 1, 18, 21, 24-30, 34-35 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Albert et al. (US 6,118,426) in view of Martin (US 6,950,023)

Re claims 1, 18, 21, 24-30, 34-35, Albert discloses an electronic label comprising a housing having at least one wall, an electronic display disposed along the wall, and an antenna layer extending along the wall in such a manner as to constitute a stack with the wall, the antenna layer comprising at least a first antenna head and at least a

second antenna head (i.e. opposite leg portions of antenna surrounding the display seen in Fig. 6-7) spaced from the first antenna head such that an area, through which the electronic display (i.e. 350, 404-Fig. 6-7) is viewable, is at least partially defined in the antenna layer. Each antenna turn is inherently made of conductive material. The display electronics comprises a capacitor (col. 14 lines 19+).

Albert silent with respect to the display being the two heads.

Martin discloses an antenna having two parallel heads as portions connecting to two ends of the antenna coils (Fig. 2) and electronic circuit comprises a capacitor 18 (Fig. 1). A flat cable comprises at least 2 segments connecting processing electronics 14 (inherently comprises a processor chip) to terminals. Tabs 48, 46 at the ends of the coil each has an opening for inherently placing solder on (col. 3 lines 50+). The wall defines an opening so that the flat cable is passed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Martin in order to include an antenna structure that partially forms the desired label as claimed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim(s) 19-20 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Albert et al. (US 6,118,426) modified by Martin (US 6,950,023) further in view of Blanc et al. (US 6,437,985). The teachings of Albert/Martin have been discussed above.

Albert/Martin discloses all limitations, as set forth in the claim(s) and discussed above, except

Albert et al. is silent with respect to insulation layer comprising a decorative layer.

Re claim 19, Blanc et al discloses an insulating layer (22), wherein the antenna is disposed between the wall and the insulating layer (Fig. 9)

Re claim 20, Blanc et al discloses the insulating layer comprises a decorative layer (col.3 lines 49-58, col. 9 lines 63-64: film 22 can be deposited with decorative information)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Blanc et al. in order to have decorative insulation means to the label.

5. Claim(s) 36 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Albert et al. (US 6,118,426) modified by Martin (US 6,950,023) further in view of Suga et al. (US 6,427,065). The teachings of Albert et al. have been discussed above.

Albert/Martin lacks the teaching of impedance matching.

Suga et al. discloses a matching circuit and/or chip (Fig. 4-5, 14) that uses the antenna coil and capacitor 25 to variably match the impedance of the desired power supply voltage to internal circuits (col. 2 lines 45+, col. 3 lines 20+, col. 9 lines 45+, col. 14 lines 29+)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Suga et al. in order for the power voltage for the label's internal circuit to be controlled thereby minimizing possible failures.

Remarks

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection set forth above as the result of an update search.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien T. Mai whose telephone number is 571-272-8283. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve S. Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thien T Mai/
Examiner, Art Unit 2887

/Thien M. Le/
Primary Examiner, Art Unit 2887